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LAW OFFICES OF JAMES E. WALTON, PLLC
1169 N. BURLESON BLVD.
SUITE 107-328
BURLESON TX 76028

In re Application of
BUILTA et al.
Serial No.: 10/575,223
PCT No.: PCT/US04/09080
Int. Filing Date: 25 March 2004
Priority Date: None
Attorney's Docket No.: 0837RF-H476-US
For: CONTROL SYSTEM FOR VEHICLES

DECISION ON
SUBMISSION

This is a decision on applicants' submission under 35 U.S.C. 371, filed on 30 April 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 10 April 2006, within the thirty month period, applicant filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee.

On 23 April 2007, a Notification of Missing Requirements was mailed to applicant, indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period, was required.

On 30 April 2007, in response to the Notification, applicant submitted a copy of the declaration, executed by the inventors.

DISCUSSION

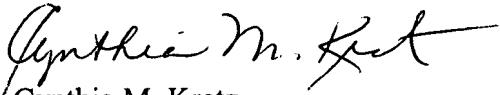
The declaration submitted on 23 April 2007 is a two page declaration, which was submitted with the PCT Request on 25 March 2006. The declaration is comprised of three pages: one page marked "Sheet No. 4" and two pages marked "Sheet No. 5", which are executed by different inventors. The declaration appears to be a composite declaration created from the combination of separately executed declarations. The declaration is not properly executed. It appears that either the attorney pieced together separate complete declarations into one composite declaration or that the inventors were presented with an incomplete declaration. While it is acceptable for applicants to execute separate copies of the declaration, the entire declaration, as executed by the inventor, must be submitted. "Where individual declarations are executed, they must be submitted as individual declaration rather than combined into one declaration." See MPEP 201.03. The declaration is unacceptable as filed and thus, the requirements of 37 CFR 1.497 (a) and (b) have not been met.

CONCLUSION

For the reasons set forth above, the declaration submitted on 30 April 2007 is unacceptable as filed. What is required is one declaration where all inventors have signed or separate complete declarations in compliance with 37 CFR 1.497(a) and (b). The \$130 surcharge for filing the declaration after the thirty month period is also required.

Applicant is required to correct the above-noted defects including the furnishing of an oath/declaration in compliance with 1.497(a) and (b) within TWO (2) MONTHS from the mail date of this Decision. Extensions of this time limit may be granted under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.


Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: (571)272-3286
Facsimile: (571)273-0459